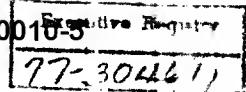


ADMINISTRATIVE - INTERNAL USE ONLY

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10 March 1977

31 MAY 1977

MEMORANDUM FOR: Director of Central Intelligence

FROM:

General Counsel

SUBJECT: Meeting with the Attorney General

Here are some thoughts about topics that might come up in your meeting today with Mr. Bell.

E.O. 11905

- The role of Attorney General, under Section 3(c)(1), as an SCC observer; SCC functions and procedures.
- Obligations of senior intelligence officials, under Section 4(a)(5), to report possible violations of law to the Attorney General; the differing Justice Department and CIA interpretations of this obligation, and the reporting procedures that are followed.
- The CIA/FBI relationships under Section 4; the procedures relating to the approval of CIA counterintelligence activities in the U. S., and to CIA participation in counterintelligence activities conducted by the FBI.
- Activities covered by Section 5, particularly electronic surveillance and unconsented physical searches directed at U. S. persons abroad, and the implementing procedures and guidelines issued by Mr. Levi, requiring in some cases the Attorney General's personal approval of proposed CIA actions; the "U. S. person" concept embodied in Section 5.
- The function of the Intelligence Oversight Board (IOB) as prescribed by Section 6, and the IOB reporting to the Attorney General under this Section.

ADMINISTRATIVE - INTERNAL USE ONLY

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

The Tension Between the Department's Investigative and Prosecuting Functions and the Agency's Responsibility to Protect Intelligence Sources and Methods

- The consistent problem of leaks of national security information, and the obstacles in the way of effective investigations.
- The dilemmas created by Justice Department needs for CIA-related evidence in criminal prosecutions, e.g., the Bufkin case, the Moore case, and the Boyce/Lee case.
- The present status and the potential future problems in the KCIA investigation and the investigation relating to the Letelier killing.
- [I would stay away from any discussions of the ITT/Chile case, beyond a general mention of its overall significance from the Agency's standpoint.]

Litigation Conducted by the Department on the Agency's Behalf

- The nature and the extent of ongoing FOIA litigation.
- The SWP case.
- [You might want to make the Attorney General aware of the litigation regarding enforcement of the congressional subpoena directed to AT&T, calling for production of the FBI leased-line request letters.]

Other

- The relations between the Agency and the Office of Legal Counsel and the periodic requests we make for legal opinions, e.g., the pending request relating to certain Agency practices relating to the establishment and maintenance of cover.



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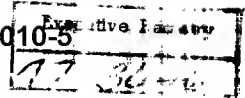
~~ADMINISTRATIVE - INTERNAL USE ONLY~~

TRANSMITTAL SLIP		DATE	<i>see</i>
TO:		<i>04C</i> <i>77-3046</i>	
ROOM NO.	BUILDING		
REMARKS:			
FROM: <i>JA/cur</i>			
ROOM NO.	BUILDING	EXTENSION	

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)



OGC 77-0249

11 January 1977

MEMORANDUM FOR: Director of Central Intelligence

FROM:



SUBJECT: Meeting with Attorney General-Designate Bell

Here are some thoughts about topics that we might discuss with Mr. Bell if he comes out to lunch.

E.O. 11905

-- The role of Attorney General, under Section 3(c)(1), as an OAG observer; OAG functions and procedures.

-- Obligations of senior intelligence officials, under Section 4(a)(5), to report possible violations of law to the Attorney General; the differing Justice Department and CIA interpretations of this obligation, and the reporting procedures that are followed.

-- The CIA/FBI relationships under Section 4; the procedures relating to the approval of CIA counterintelligence activities in the U. S., and to CIA participation in counterintelligence activities conducted by the FBI; the kind of issues that have arisen, e.g. [redacted] case.

-- Activities covered by Section 5, particularly electronic surveillance and unconsented physical searches directed at U. S. persons abroad, and the implementing procedures and guidelines issued by Mr. Levi, requiring in some cases the Attorney General's personal approval of proposed CIA actions; the "U. S. person" concept embodied in Section 5.

-- The function of the IOB as prescribed by Section 6, and the IOB reporting to the Attorney General under this Section.

Transmitted
White House



The Tension Between the Department's Investigative and Prosecuting Functions and the Agency's Responsibility to Protect Intelligence Sources and Methods

- The consistent problem of leaks of national security information, and the obstacles in the way of effective investigations.
- The dilemmas created by Justice Department needs for CIA-related evidence in criminal prosecutions, e.g., the Moore case and the Bufkin case.
- The present status and the potential future problems in the KCIA investigation and the investigation relating to the Letelier killing.
- [I would stay away from any discussions of the ITT/Chile case, beyond a general mention of its overall significance from the Agency's standpoint.]

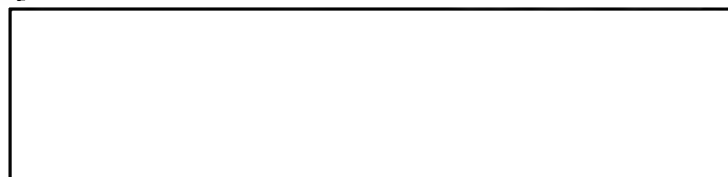
Litigation Conducted by the Department on the Agency's Behalf

- The nature and the extent of ongoing FOIA litigation.
- The SWP case.
- [You might want to make the Attorney General aware of the litigation regarding enforcement of the congressional subpoena directed to AT&T, calling for production of the FBI leased-line request letters.]

Other

- The relations between the Agency and the Office of Legal Counsel and the periodic requests we make for legal opinions, e.g., the pending request relating to certain Agency practices relating to the establishment and maintenance of cover.
- [You may want to raise the matter of the Interagency Review Panel and its functions, and the procedures that have been followed in this regard; Mac Showers should be present if this subject is discussed; the Ford Administration's electronic surveillance bill might also be discussed in this same context.]

cc: DDCI
D/DCI/IC
SA/D/DCI/IC

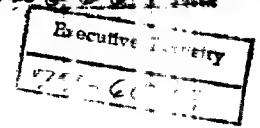


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Approved For Release 2004/03/11 : CIA-RDP80M00165A002200140010-5



8 January 1977

MEMORANDUM FOR THE RECORD

SUBJECT: Session with Dr. Zbigniew Brzezinski

1. With the approval of the DDCI, I arranged an appointment with Dr. Brzezinski for 6 January. The purpose was to clean up some of our outstanding obligations to Governor Carter and to allow him to read some sensitive reports that he had requested. The conversation turned out to cover other topics, however, and he had a number of questions and requests. The following is therefore not given in chronological order.

2. I told Dr. Brzezinski that we had promised Governor Carter three papers, along with the suggestion that he might like to have discussions of them with appropriate intelligence analysts. These were: an analysis of likely Soviet reactions to his arms control proposals; NIE 11-3/8; and NIE 11-4. We had delivered the first paper and had scheduled and later cancelled a discussion session. NIE 11-3/8 was now ready and NIE 11-4 would be next week. I gave Brzezinski a copy of NIE 11-3/8. He agreed to offer it to Governor Carter next week and to sound him out on whether he wishes to have any such discussion sessions. Dr. Brzezinski's view and mine is that the President-elect's platter is full enough already. When I see Brzezinski on Monday, I plan to offer him the draft NIE 11-4 with the caution that there may be a few minor changes in footnotes.

3. Brzezinski read the three sensitive items on Soviet-Polish relations that I brought with me.

4. Requests:

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Transmitted / White House for

Approved For Release 2004/03/11 : CIA-RDP80M00165A002200140010-5

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B. He would like to read a sensitive report on Soviet views of the Carter administration that was shown to Governor Carter in November. I have obtained this and will show it to him on Monday.

C. In regard to material in this category, he would like an arrangement to read this material on a current basis. Wells will arrange to see him with the first delivery. After this another officer, probably [REDACTED] will be given this chore.

D. Also in regard to this material, he would like an appraisal of its analytic usefulness. [REDACTED] will undertake this with the assistance of cleared analysts in the DDI.

F. Dr. Brzezinski is to meet Governor Carter Tuesday evening. He would like at that time to show him a sample PDB in a new format. This should provide a comprehensive but extremely succinct daily summary, with emphasis given to intelligence material and with sensitive material clearly indicated by some typographic device. [REDACTED] has been tasked to develop this.

[REDACTED]
Richard Lehman

Deputy to the DCI for National Intelligence

cc: DCI
DDCI

MEMORANDUM FOR THE RECORD

SUBJECT: Session with Dr. Zbigniew Brzezinski

Distribution:

- 1 - DCI
- 1 - DDCI
- 1 - Carter File
- 1 - D/DCI/NI Chrono
- 1 - RI
- ① - ER